

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRADLEY C. BURCHFIELD,

Plaintiff,

v.

ALIBABA GROUP HOLDING LIMITED,  
et al.,

Defendants.

Case No. [22-cv-02925-HSG](#)

**ORDER DISMISSING CASE**

Re: Dkt. No. 18

On May 17, 2022, Plaintiff Bradley C. Burchfield filed this civil action and an application to proceed *in forma pauperis*. See Dkt. Nos. 1, 2. On June 15, Magistrate Judge Kandis Westmore granted Plaintiff's application to proceed *in forma pauperis*. Dkt. No. 11. However, in screening the complaint under 28 U.S.C. § 1915, Judge Westmore found that Plaintiff's allegations were insufficient to state a Racketeer Influenced and Corrupt Organizations Act ("RICO") or false advertising claim. *Id.* at 2–3. Judge Westmore therefore dismissed Plaintiff's case for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2). Plaintiff was nevertheless given an opportunity to file an amended complaint by August 31, 2022. *Id.* at 3.

Plaintiff also filed a motion for temporary injunction. See Dkt. No. 6. The Court denied the motion without prejudice to refile after Plaintiff filed an amended complaint. See Dkt. No. 15. In doing so, the Court cautioned Plaintiff that if the amended complaint failed to cure all the defects identified in the prior order, see Dkt. No. 11, the complaint could be dismissed in its entirety without further leave to amend. See Dkt. No. 15 at 2.

Plaintiff filed a timely amended complaint. See Dkt. No. 18 ("FAC"). However, the Court

1 finds that it still does not cure the deficiencies previously identified. According to the FAC,  
2 Defendants are involved in a criminal enterprise to sell methamphetamine on Alibaba.com. *See*  
3 *id.* Plaintiff inadvertently purchased the product for use as a “rust inhibitor” and “acrylic nail  
4 resin,” but it did not work as advertised. *Id.* Instead, it corroded electrical components and his  
5 truck, and Plaintiff was arrested for possession of methamphetamine. *Id.* Plaintiff asserts that at  
6 some point he received a threatening message referring to Alibaba.com, and believes it was sent  
7 by an associate of the Sinaloa Cartel. Plaintiff also suggests that employees of the United States  
8 Drug Enforcement Administration (“DEA”) were involved by providing false or misleading  
9 information on the DEA website. *Id.* Critically, Plaintiff fails to explain with sufficient detail  
10 how each Defendant was involved in this alleged conduct or what the connection is among  
11 Defendants. *See* Dkt. No. 11 at 3. Plaintiff offers conclusory allegations, but few facts to support  
12 his contentions.

13 Plaintiff has had an opportunity to amend his complaint, and the Court is now convinced  
14 that he cannot allege facts to cure the defects identified in the Court’s previous order. *See* Dkt.  
15 No. 11. The Court thus concludes that granting Plaintiff further leave to amend would be futile.  
16 *See Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003) (“Leave to amend should be granted  
17 unless the pleading could not possibly be cured by the allegation of other facts, and should be  
18 granted more liberally to pro se plaintiffs.”) (quotations omitted); *see also Brazil v. United States*  
19 *Dep’t of Navy*, 66 F.3d 193, 199 (9th Cir. 1995) (“Although a pro se litigant . . . may be entitled to  
20 great leeway when the court construes his pleadings, those pleadings nonetheless must meet some  
21 minimum threshold in providing a defendant with notice of what it is that it allegedly did  
22 wrong.”). The Court therefore **DISMISSES** the case without leave to amend. *See Zucco*  
23 *Partners, LLC v. Digimarc Corp.*, 552 F.3d 981, 1007 (9th Cir. 2009) (“[W]here the Plaintiff has  
24 previously been granted leave to amend and has subsequently failed to add the requisite  
25 particularity to its claims, [t]he district court’s discretion to deny leave to amend is particularly  
26 broad.” (quotation omitted)).

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The Clerk is directed to enter judgment in favor of Defendants and to close the case.

**IT IS SO ORDERED.**

Dated: 12/9/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

United States District Court  
Northern District of California